

A RESOLUTION

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BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING THE INITIATION OF A
LAWSUIT AGAINST THE PARTIES WHO RECEIVED
OVERPAYMENT FOR MILEAGE REIMBURSEMENT;
AUTHORIZING THE CITY OF ATLANTA LAW DEPARTMENT
TO PROSECUTE SAID ACTION AGAINST MARK AZAR AND
DANIEL MCCRARY.**

WHEREAS, the City of Atlanta is a municipal corporation established under the Constitution of the laws of the State of Georgia; and

WHEREAS, the City of Atlanta reimburses certain employees for mileage accumulated on personal vehicles used during work hours and in the commission of City employment duties; and

WHEREAS, the City of Atlanta Payroll Department changed its accounting system to the Oracle Accounting System in January of 2008; and

WHEREAS, an error was made inputting the rate of mileage reimbursement, and certain employees received \$41.00 per mile instead of the intended \$.41 per mile; and

WHEREAS, employees, Mark Azar and Daniel McCrary, have acknowledged receipt and responsibility for the overpayments which are the basis for this action; and

WHEREAS, the City of Atlanta has requested that City employees, Mark Azar and Daniel McCrary, repay to the City overpayments received as reimbursement for mileage; and

WHEREAS, Mark Azar currently owes \$9,805.25 for overpayment of mileage reimbursement, and Daniel McCrary currently owes \$30,777.61 for overpayment of mileage reimbursement, and have refused to comply with repayment requests; and

WHEREAS, pursuant to Section 2-402 of the City of Atlanta Code of Ordinance, the City Attorney is authorized and empowered to file and prosecute civil recovery actions in the name of the City of Atlanta in limited circumstances, and this circumstance requires Council authority.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA:

SECTION 1: The City Attorney is hereby directed and instructed to commence suit in any court of competent jurisdiction against Mark Azar and Daniel McCrary for overpayment of mileage reimbursement. The City Attorney is authorized to use all means available at law and equity to achieve this result, and is further authorized to seek recovery of applicable damages, costs, and attorney fees related thereto.